

no such thing as usurpation. "If it be a valid act of usurpation it is as valid as any other act." Mr. Christian said that the officers of the State had recognized and the people acquiesced in the Constitution, and that this fact should go a long way toward settling it. He thought Mr. Wise had gone to Congress with the view of getting up a case involving the validity of members of Congress under the new Constitution. "You are very much mistaken," said Captain Wise. "Well, I thought you did," replied Mr. Christian. "I believe Congress did pass upon some such case from South Carolina," rejoined Captain Wise. "In such a manner as to indicate that they were getting tired of these Southern quarrels." In discussing the registration ordinance, Mr. Christian said it was in aid of the voter and in furtherance of the Constitution, so far from being in any way in conflict.

Captain Wise Closes.
Captain Wise arose to close the case at 12:30 P. M., and he announced that he would be brief. He read Section 1573 of the United States Statutes, under which he brought the suit, and declared it was so broad that it gave his client the unquestioned right to seek redress, and he said further that the Supreme Court had clearly settled the question of jurisdiction.

"My learned friend talks much about inalienable rights," he continued. "Well, that's all right. It sounds nice, and everybody does it, but 'good words don't butter any parsnips,' is an old adage."

The attorney now took up the Constitution, and ridiculed it sharply and humorously for many of its alleged conflicts.

He said that one section declared that the legislative, the executive and judicial departments should be kept separate, and the convention that framed it exercised all three functions. The convention declared every officer in the State to take the oath, and yet the members themselves had refused to take or be bound by any oath.

The body had assumed the authority to proclaim their work when they had promised to submit it.

Required It of Others.
The convention not only refused to take the oath, he said, "but would not admit that there was honor among thieves." When they determined to run the Constitution down the throats of the people they would not trust the officers of the State, but required all of them to take a test oath.

"On what meat did these Cheesars feed that they grew so great?" he asked, with uplifted hands.

Captain Wise continued that the convention never organized, and when this view was combated by Mr. Christian, he declared that the organization amounted to no more than that of a mob in the Capitol Square.

"Didn't they elect a chairman?" inquired Mr. Christian.

"Any mob can do that," was the quick reply.

"Well," said Mr. Christian, "His Honor can take the journals and see what they did."

"My God," exclaimed Captain Wise, "seeing what they did makes us say they were not organized."

Waives All Others.

"But waiving the question of taking the oath, raising the question of organization, I say that they had no right to scour this State from Accomac to Lee, and from Fairfax to Pittsylvania for the petty politicians, out of whom to make registrars to do dirty political work and to deprive men of their constitutional rights."

He contended that the registration ordinance was not valid because the convention had no authority to pass it, and that therefore the clerk had no right to register his name, and his force was correct.

Major Anderson had said something about an automatic feature of registration laws, and Captain Wise declared this was unfortunate, he was skeptical about automatic machines.

A Fake Machine.

He had just come out of a case involving an automatic shot machine, and his client got the "hot end" of it. The machine was claimed to be one which, upon the deposit of a nickel, would deliver a cigar. As a matter of fact, the nickel was dropped and the cigar came out. He thought the outrage laws of Virginia were very much like this shot machine.

Captain Wise declared that his client had not "slept on his rights," but that he had been denied his rights, and should have relief at the hands of the court. He completed his speech at 5:25, and court adjourned until 10 o'clock this morning, when other matters will be taken up.

SESSION OF COURT.

Attorney-General Makes Strong Argument for State.

Court convened at 10:30 o'clock, and Attorney-General Anderson was recognized to open for the commonwealth. He spoke for about two hours, reviewing the points brought out by Captain Wise, and arguing strongly for the validity of the Constitution.

He had before him a great stack of authorities, and in the course of his speech he often referred to them.

Major Anderson cited the conventions of 1829 and 1850 as precedents for members not taking the oath, and Captain Wise wished to hear him in his view of the binding effect of the provision in the Constitution of 1859 as to the taking of the oath by future conventions.

The Attorney-General expressed the opinion that this section did not contemplate convention members as officers, and if so, it could not bind future conventions or tie the hands of their members. He held, too, that if it was necessary to take the oath, the members had failed to do so, this failure did not invalidate their acts. He cited many decided cases to show that the failure of any officer to take an oath did not render his acts invalid so far as they affected the public or third persons.

Derived Power from People.

In answering the contention of the commonwealth, the Attorney-General discussed at some length the methods by which the convention was brought into being, and he contended that the constitution of the people for the creation of the instrument for its ratification or rejection.

"May it please this Honorable Court,"

Scrofula

makes its presence known by many signs—glandular tumors, bunches in the neck, cutaneous eruptions, inflamed eyelids, sore ears, catarrh and wasting diseases.

Hood's Sarsaparilla

Effects permanent cures.

"Berry's for Clothes."



To-day we put on sale eighty-five suits. The soft winter has been hard on the stock so the prices have melted.

In this assortment every new style is represented, conventional, snappy or the extreme—all this season's raisings, no "dug ups."
\$17.75.
Were up to \$28.00.
\$12.75.
For those up to \$20.00.
Come in and see 'em go.



He went on, "that convention derived its powers not from the Legislature, but from the people of this State." "The Legislature had no power to do more than to fix a date for the meeting of the convention after the people had spoken. They had no right to prescribe that the members should take the oath, nor even to fix their salaries."

Major Anderson contended that even if the Constitution was not effective on July 10, 1862, it surely was on November 4, 1862, the date upon which the plaintiff claimed his cause of action arose. Questions might have been raised against the legality of the Constitution of 1862, but acquiescence in and acceptance of organic laws cured any illegality concerning their adoption.

Objections Not Valid.

"It is a well settled principle," the speaker declared, "that a Constitution which is recognized by the departments of government and acquiesced in by the people becomes and is the fundamental law of a State."

"We desire to call your Honor's attention to another fact, and that is that this is a State matter. There are no two governments here contending for supremacy as was the case in Rhode Island. On the other hand, from the 10th day of July, 1862, or several months before this alleged grievance took place, every official of the State had sworn to obey and respect it, and the people had acquiesced in it as the organic law of Virginia."

In meeting the contention of Captain Wise that the convention had no legal right to enact ordinary legislation such as the registration ordinance into the organic law, Major Anderson declared that if this was true there was hardly a valid Constitution in this country. "My friend will find," he declared, turning to Capt. Wise, "that the Constitution of 1859 contained a homestead act, and he will also find that the Constitution of Louisiana contains almost a code of statute laws."

Major Anderson was quoting the late John Randolph Tucker as authority in favor of the right of conventions to proclaim Constitutions, when Capt. Wise interrupted to say that Mr. Tucker may have been an able lawyer, but that he was "right much of a crank."

"He was a recognized authority on Constitutional law," said Maj. Anderson, "and Mr. Tucker says in effect that conventions are not bound to submit their work for ratification or rejection."

Wrong Plaintiff.

Major Anderson declared vigorously that if the Constitution had disfranchised any one Captain Wise had brought his action in the name of the wrong plaintiff.

"You should have selected some other colored man," he said, "or some one who was disfranchised. You elected did not lose any of his rights, and therefore he was not the proper person to sue."

"Bribehouse had paid his property tax, and if the registrar had upon application refused to admit him to registration he had his remedy."

"The courts of Norfolk county would have compelled the registrar to put him on the books. But this was not the case. Your client did not ask for registration, but simply refused to comply with the requirements of the Constitution, which would have automatically placed him on the books, he having paid his property taxes."

After a brief colloquy between counsel as to the conditions under which Virginia was readmitted to the Union, Major Anderson closed his speech by thanking the court for his Honor's patient attention. A recess was taken at 12:30 until 2:30 o'clock.

DEATH CAUSES

TRIAL TO HALT

(Continued from First Page.)

Bolton is fifty-seven years of age and a clerk.

Jury Released.

When court again convened at 2:35 P. M. there had been a recess of the attorneys with Justice Fitzgerald, and the agreement had been reached to release the remaining jurors from further confinement. In taking this action Justice Fitzgerald took pains to state that the rule keeping them together had been adopted upon the separate recommendation of either side, but was the result of an agreement based upon reasons which appeared excellent alike to the interests of the defendant and of the people. There was intended not the slightest reflection upon the jury in any way. It would have been well, Justice Fitzgerald remarked, if the rule could have been adhered to until the close of the trial, but the appearance had brought about a condition which must be confronted.

It would be manifestly unfair, the court said, to keep the jurors further from their homes during the day.

In announcing the conference until Monday Justice Fitzgerald expressed the "hope" that the trial might then proceed. It is realized, however, that this will depend largely upon the condition which Juror Bolton may be at the time. If he feels that he can put aside all personal considerations and confine to his duty as a juror, the trial will be resumed. If he feels that his condition of mind is such as to prevent him from giving his whole attention to the case during the remaining days of the trial, some other solution of the difficulty must be looked for.

CHORUS GIRL DISAPPEARS.

Says She Would Rather Die Than Testify in Thaw Case.

(Special to The Times-Dispatch.)

NEW YORK, N. Y., February 14.—

DR. EVANS EXPLAINS WHY HE THINKS HARRY KENDALL THAW IS INSANE



DR. BRITTON D. EVANS. MR. DELMAS. MR. JEROME.

SAYS THAW LOST \$250,000 AT CARDS IN FIVE YEARS

Whist Club Member Says Pittsburger Was Regarded as an Eccentric, Emotional Player, But Not as of Unsound Mind.

NEW YORK, February 14.—According to a story told by a member of the New York Whist Club, Harry K. Thaw lost \$250,000 at cards in two New York clubs in the five years previous to the killing of Mr. Stanford White. Bridge whist, says the man who tells the story, took most of the money, and Thaw lost with such frequency that he had the reputation of being a most unlucky player.

Among the men with whom Thaw is said to have played whist for high stakes were John W. Gates, Charles M. Schwab, John A. Drake and other members of the Whist Club, all of whom were noted for their high play. The stakes were generally one dollar a point, and at this rate the player stood to win or lose \$1,500 in a single evening's play.

Thaw was considered an eccentric player, the member of the Whist Club asserts, and rather emotional, but no one ever thought him to be of unsound mind.

It is also reported that Thaw played for high stakes at the Lamb's Club, but was seldom lucky.

"Sometimes he won," said a member of the Whist Club to-day, "for he was not altogether a bad player. But far more often he lost. He gradually acquired a reputation for being an unlucky player, the member of the Whist Club sport. He never kicked, but paid all his losses without a murmur. He was a regular fiend at the game, but never quite mastered it. It takes twenty years, you know, to make a real good bridge whist player, and Thaw was quite young."

"I have heard it said that Thaw often paid not only his own losses, but those of his partners, whoever they might be. Such a thing, under club ethics, could not be done openly, of course, but I have heard Thaw was very generous in his treatment of those who shared his ill luck."

Among other rich men in the club were Thatcher M. Adams, Dr. Carter S. Cole, William P. Coleman, Norman K. Grace, William Hovers Gray, D. O. Mills, Dr. Laney Astor Kane, Pierre Lodiard, Ronalds, Jr., William Butler Duncan, C. A. Henriques and John H. Jacquelin.

The New York Whist Club is an exclusive organization of millionaires. It is located in a elegantly furnished five-story brown stone mansion at No. 19 West Thirty-sixth Street. None of the appointments of a luxurious social organization is lacking. A sumptuous buffet and a large wine cellar are looked after by a skilled steward.

new harbor on her way back, the schooner Theresa was sighted, coming into the old harbor with her flag at half-mast. There was a rush across the island to the old wharf, but when the schooner ran along the dock her commander said that he had only one victim on board.

The body was that of a negro, evidently a waiter. Over the head and increasing one arm was a life-preserver, while the other arm was free. As the body was landed on the dock the lappet of the coat fell back, disclosing a wound in the throat, which had the appearance of having been made by a knife. It was thought at first that it might have been inflicted by one of the fishermen when he hauled the body to the boat with a boat hook.

But it was pointed out that such a wound would not have caused any blood to flow, and that there were traces of blood about the wound. It is the general opinion that the unfortunate man had taken his own life with the hand that was free, after falling a desperate effort to put on life-preserver.

Captain Left First.

Captain McVey, of the steamer, today admitted that his lifeboat was one of the first, if not the first, to leave the sinking ship. This statement was made in reply to charges by Fred Higgsell, an eighteen-year-old lad, of Brooklyn, one of the survivors, that while passengers were left to shift for themselves, the ship's crew crowded the boats without attempting to provide for the passengers, and that Captain McVey was the first to desert the ship. The statement of young Higgsell created a sensation in view of the fact that ten of the nineteen survivors were employees on the ship, or in other words, that while approximately 20 per cent of the crew were saved, only 8 per cent of the passengers survived.

Captain McVey explained that while his boat may have been the first in the water, it was because he had a good crew and the crew remained by his ship until she went down. He said that he made no move to get into his boat until he had given orders to his men to lower all boats and clear away the raft. While his boat was in the water it was fastened to the ship by a rope in the running gear that had become caught, and this was cut by Bontswain Andrew Tobeson, who saw that with the ship settling rapidly the boat and occupants would be caught in the whirlpool and sucked beneath the surface.

THE FIRST TWINGE

Of Rheumatism Calls for Dr. Williams' Pink Pills If You Would Be Easily Cured.

Mr. Frank Little, a well-known citizen of Portland, Me., was cured of a severe case of rheumatism by Dr. Williams' Pink Pills. In speaking about it recently, he said: "My body was run down and in no condition to withstand disease, and about five years ago I began to feel rheumatic pains in my arms and across my back. My arms and legs grew numb and the rheumatism seemed to settle in every joint so that I could hardly move, while my arms were useless at times. I was unable to sleep or rest well and my heart pained me so terribly I could hardly stand it. My stomach became sour and bloated after eating and this grew so bad that I had inflammation of the stomach. I was extremely nervous and could not bear the least noise or excitement. One whole side of my body became paralyzed."

"As I said before, I had been suffering about five years and seemed to be able to get no relief from my doctors when a friend here in Portland told me how Dr. Williams' Pink Pills had cured him of rheumatism in the face, even after the pain had drawn it to one side. I decided to try the pills and began to see some improvement soon after using them. This encouraged me to keep on until I was entirely cured. I have never had a return of the rheumatism or of the paralytic side."

The pills are for sale by all druggists or sent, postpaid, on receipt of price, 50 cents per box; six boxes, \$2.50, by the Dr. Williams' Medicine Company, Schenectady, N. Y.

Woman Will Recover.

Miss Gallup, who had remained unconscious since being brought ashore, only regained consciousness this afternoon. Her condition was so grave yesterday that it was impossible to take her to Providence with the other survivors, but it was stated to-night that she will recover.

When the tug Regeer Williams arrived this afternoon the bodies were put on board, and at 5 o'clock she steamed out of the harbor for Providence. About the time she rounded the point of the

"COWARDICE" IS WELL FOUNDED

(Continued from First Page.)

In their boat they pushed her back, and the lifeboat left the Larchmont with only six in it although it would have held twenty more. When the steamer went down, she placed herself on a bit of wreckage and remained on it until picked up ten hours later by the fishing schooner Elsie. Miss Gallup was very emphatic in her charge against Captain McVey and the officers of the Larchmont.

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TAZEWELL HAS A DOUBLE WEDDING

Misses Julia Leonard and Louise Cecil Pendleton Wed Messrs. St. Clair and Hodges.

VERY POPULAR YOUNG PEOPLE

Brides Are Daughters of Colonel and Mrs. William C. Pendleton.

(Special to The Times-Dispatch.)

TAZEWELL, VA., February 14.—Miss Julia Leonard Pendleton and Mr. Glenn Moore St. Clair and Miss Louise Cecil Pendleton and Mr. Walter L. Hodges were married in the Methodist Church here this morning by Rev. G. C. Reister, the pastor. The brides are daughters of Colonel and Mrs. William C. Pendleton, and are among the popular and accomplished young ladies of the county. Mr. St. Clair is assistant cashier of the Bank of Clinch Valley, and one of the popular young men of the county. The church was beautifully decorated, and was crowded to the doors by people from all parts of the county and from distant cities. Mr. John W. St. Clair and Mr. George L. Richardson were best men, and Miss Ruth Pendleton was maid of honor to both brides. "Lohengrin" was beautifully rendered by W. N. C. Walker, accompanied by W. H. Alderson on the violin and Professor H. L. Farmer on the flute. During the ceremony Miss Craig, of Roanoke, sang in sweet contralto "O Promise Me," and the intermezzo was also played. The bridal parties left on the afternoon train for an Eastern trip.

Blumenfeld-Kaufmann.

ALEXANDRIA, VA., February 14.—The marriage of Miss Lena Kaufmann, of this city, and Mr. Raymond Blumenfeld of Washington, D. C., occurred at noon to-day at the home of the bride, No. 117 South Fairfax Street, and was witnessed by the immediate relatives of the two families. Rabbi Stern, of Washington, officiated. The bride was attired in traveling gown of mode cloth, and carried lilies of the valley. Following the ceremony dinner was served, after which the couple left for an extended Northern bridal trip. They will reside here.

Hatchett Anglin.

DANVILLE, VA., February 14.—Miss Senitra Anglin, daughter of Mr. and Mrs. R. H. Anglin, of Patrick Springs, Va., were married yesterday morning at the home of the bride in the presence of large gathering, to Russell Hatchett, a young electrician, of Stokesland. A reception to the bride party was tendered last night by the father of the groom. Mr. and Mrs. Hatchett will reside at Jamestown, Va.

English-Payne.

FREDERICKSBURG, VA., February 14.—Walter R. English, of Stafford county, and Miss Clara G. Payne, of Spotsylvania county, were married at the home of the bride, in the latter county, Rev. J. P. H. Crismond officiating.

Carter-Mills.

FREDERICKSBURG, VA., February 14.—Mr. Moore Carter, of Caroline county, and Miss Blanche Mills, this city, were married last night at the residence of Rev. R. A. Williams, pastor of the Baptist Church. The ceremony was performed by the Rev. Mr. Williams. The bride was the daughter of Mr. and Mrs. Joseph Purks, best man, Mr. and Mrs. Carter will reside at their home near Summit.

FOUR MEN HURT.

Twelve Dinky Cars Are Thrown Down Twenty-Foot Hill.

CHATHAM, VA., February 14.—Four men were injured and twelve dinky cars and engine were thrown down a twenty-foot hill by the gliding of a passenger train, work of the Southern Railway at Galveston to-day. The injured are:

Samuel Jefferson, leg broken and cut about the face and head; Mae Crouch, colored, of Washington, cut about the head and face; John C. Smith, colored, under car and legs injured; Smith White, foreman, caught under engine and leg hurt.

Help Y. M. C. A. Work.

DANVILLE, VA., February 14.—L. A. Coulter, State Secretary of the Young Men's Christian Association, is expected in Danville at an early date to assist the

THE WEATHER

Forecast: Virginia—Fair and colder Friday, brisk northwest winds; Saturday fair.

North Carolina—Fair and colder Friday; Saturday fair; fresh northwest winds.

CONDITIONS YESTERDAY.

Richmond's weather was cool and cloudy. Range of the thermometer: 9 A. M. 49 6 P. M. 45 12 M. 50 3 P. M. 42 Average 48.2

Highest temperature yesterday 62 Lowest temperature yesterday 35 Mean temperature yesterday 51 Normal temperature yesterday 49 Departure from normal temperature, 11

THIS DAY LAST YEAR.

9 A. M. 24 6 P. M. 32 12 M. 30 3 P. M. 28 Average 31.6

CONDITIONS IN IMPORTANT CITIES.

(At 8 P. M., Eastern Time.)

Place Ther. H. T. Weather.

Ashville, N. C. 46 Clear

Atlanta, Ga. 48 Clear

Buffalo, N. Y. 18 Rain

Chicago, Ill. 26 Rain

Cincinnati, O. 45 Clear

Davenport, Ia. 32 Clear

Detroit, Mich. 20 Rain

Galveston, Tex. 60 Clear

Hartford, Conn. 62 Clear

Jacksonville, Fla. 62 Clear

Kansas City, Mo. 48 Clear

Kemp, Tenn. 60 Clear

New Orleans, La. 64 Clear

Oklahoma City, Okla. 64 Clear

Pittsburgh, Pa. 20 Rain

Raleigh, N. C. 48 Clear

Savannah, Ga. 60 Clear

Norfolk, Va. 44 Rain

Tampa, Fla. 88 Rain

Wilmington, Del. 64 Clear

Yellowstone 40 44 Clear

MINIATURE ALMANAC.

February 15, 1907.

Sun rises 7:01 HIGH TIDE.

Sun sets 5:48 Morning 0:42

Moon sets 8:14 Evening 7:09

Our Collection of Wedding Gifts

merits the attention of all who must respond to the invitation. Pieces of Cut Glass and Sterling Silverware are especially appropriate and appreciated.

The simply designed, as well as the most elaborate pieces, are here in the greatest possible variety.

Exquisite Cut Glass pieces, \$2.00. Extra large sized Cut Glass Bowl, \$5.00. Sterling Silver Table Pieces, \$2.00 and upwards.

Schwarzschild Bros., Jewelers,

Broad and Second Streets.

local promoters in establishing such an institution here. It is planned to raise \$30,000, and while no active campaign has been launched, \$16,000 has already been raised by private subscription. Danville has no Y. M. C. A.

MARYLAND THERE.

Gov. Warfield and Large Delegation Will Attend Opening.

(Special to The Times-Dispatch.)

NORFOLK, VA., February 14.—Maryland will have a larger representation at the opening of the Jamestown Exposition than any other State in the Union except Virginia. It is a statement made by Mr. Lynn H. Meekins, secretary of the Maryland commission to the exposition, who arrived in Norfolk this morning to inspect the Maryland State building and the exposition grounds and to settle several matters in connection with Maryland's part in the program of the opening exercises.

Gov. Warfield and his staff and Mrs. Warfield, the Maryland commissioners, United States Senators Raynor and Whyte, and other dignitaries of the Terrapin State, will be here on the opening day, continued Mr. Meekins, "and we expect to make a splendid showing."

Commission to Sit There.

(Special to The Times-Dispatch.)

ALEXANDRIA, VA., February 14.—The State Corporation Commission will tomorrow hear complaints against the Washington Arlington and Potomac Electric Railway Company, of Alexandria county. The hearing will take place at the Alexandria County Courthouse. The case will be heard in the afternoon. The case will, it is thought, occupy several days.

Clifton Forge Business Man.

(Special to The Times-Dispatch.)

CLIFTON FORGE, VA., February 14.—T. D. Looney, who died at East Radford yesterday while en route from Memphis, Tenn., to his home in Clifton Forge, was a business man of this city. He carried on the insurance business here, and later engaged in iron-ore mining.

Horse Falls on Him.

(Special to The Times-Dispatch.)

PACER, February 14.—Mr. Gordon Coleman, son of Mr. R. L. Coleman, of this place, had the misfortune to have his horse fall on him and break his leg. This occurred some distance from his home, and it was some time before assistance came to him. Mr. Coleman was taken to the hospital in Danville, Va., this morning.

Is Adjudged Bankrupt.

GREENSBORO, N. C., February 14.—In United States Court here to-day E. M. Andrews, who owns a chain of stores in North Carolina, South Carolina and Georgia, was adjudged bankrupt on his own petition, and the case referred to Major J. E. Alexander, of liabilities are estimated at \$140,000. Winston-Salem, in bankruptcy, and assets at \$90,000.

Mr. Andrews has stores in Columbia, Spartanburg, Greenville, Augusta, Athens